

Appl. No. 10/791,592
Amdt. dated December 20, 2004
Reply to Office Action of November 18, 2004

PATENT

REMARKS/ARGUMENTS

Claims 1-12 are pending in the application. Claims 6-8 have been canceled without prejudice to subsequent revival. Applicants reserve the right to prosecute the canceled claims in a divisional application. Claim 9 has been withdrawn.

The Action restricts the invention into three groups as follows:

Group I: Claims 1-5 and 10-12, drawn to an antibody, fragments, and compositions comprising the same, classified in class 530, subclass 387 1, for example.

Group II: Claims 6-8, drawn to a cell line, classified in class 435, subclass 326, for example.

Group III: Claim 9, drawn to a method of making an antibody, classified in class 435, subclass 436, for example.

Election:

In compliance with the requirement, Applicants hereby elect to prosecute the invention of **Group I, claims 1-5 and 10-12**, drawn to an antibody, fragments, and compositions.

The Examiner has required restriction between product and method claims. As indicated in the office action, where the applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn method claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP § 821.04. Method claims that depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right. Thus, in the event of a rejoinder, the requirement for restriction between the product claims and the rejoined method claims will be withdrawn, and the rejoined method claims will be fully examined for patentability.

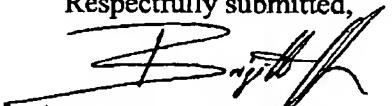
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CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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